

May 17, 1995

LB 519, 742
LR 187-215

proper use of a contingent fee contract. Furthermore, the Department of Revenue of the State of Nebraska has entered into contingent fee contracts for the collection of taxes due the State of Nebraska which are owed by entities outside the State of Nebraska. Once again, the state is properly in my judgment entering into a contingent fee contract for the purpose of collecting money which is owed it. We pay only for results. We do not pay on the basis of time and then a failed result, but only favorable results. I think contingent fee contracts are being mischaracterized here as never being appropriate. I do, in fact, notwithstanding the fact that it is case law language, I disagree with Senator Chambers' characterization that at subsection 9 where he says contingent fee contracts encourage the payment of inequitable and exorbitant fees bearing no reasonable relationship to the services actually performed. That may be appropriate language in a specific instance, it's bad generalization because it's simply not true. I would urge the adoption of the Beutler amendment or something akin to it and I would yield my remaining time to Senator Beutler.

PRESIDENT ROBAK: Senator Beutler, you have a minute and a half.

SENATOR BEUTLER: Madam President, members of the Legislature, Senator Wesely had indicated that I intended to withdraw the amendment and I will, but only for this reason. Subsequent to my drafting the amendment I discovered that Senator Brashear has been working on this for some time and actually his philosophy and mine turn out to be very similar. His amendment requires execution by the Governor but he also built in a couple of additional features which I find attractive and so what I would like to do, and it actually continues the same debate philosophically, but I think in a little more sophisticated form in terms of Senator Brashear's amendment, and so what I would like to do is, Mr. Clerk, is to withdraw the amendment and allow Senator Brashear's amendment to float to the top.

PRESIDENT ROBAK: It is so ordered. Items for the record, Mr. Clerk.

CLERK: Madam President, thank you. Senator Kristensen gives notice of confirmation hearing. Senator McKenzie would like to print amendments to LB 742, and a series of study resolutions, LR 187-215, all study resolutions offered by a variety of members. All will be referred to the Executive Board, Madam President. (See pages 2259-82 of the Legislative Journal.)